

The 2nd September, 1982

No. 9(1)-82-6 Lab./7586.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Haryana Textile Mills, Bhiwani.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 30 of 1973

between

**SHRIMATI YAUSHODA DEVI, WORKER LADY AND THE MANAGEMENT OF M/S
HARYANA TEXTILE MILLS, BHIWANI**

Present—

Shri Sagar Ram Gupta, for the worker lady.
No one for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—*vide* his order No. ID/HSR/117-A-73/13449-53, dated 11th April, 1973, under section 10(i)(c) of the Industrial Dispute Act for adjudication of the dispute existing between Shrimati Yaushoda Devi, worker lady and the management of M/s Haryana Textile Mills, Bhiwani. The term of the reference was—

Whether the termination of services of Smt. Yaushoda Devi was justified and in order? If not, to what relief is she entitled?

My learned predecessor answered the reference and gave his award on 25th February, 1974, that by no stretch of imagination the dismissal of the workman could be held to be justified and in order and in the result the worker lady was entitled to reinstatement with continuity of his previous service and with full back wages. The management preferred a writ against this award before the Honourable High Court of Punjab and Haryana, Chandigarh, which,—*vide* its order dated 9th May, 1980, quashed the award and sent the case back to this court for deciding it a fresh in accordance with law and the observations made therein. It has been observed by the learned single judge in his order of remand that the management had a right to lead evidence in support of its action. By denying that opportunity the tribunal committed an illegality which vitiated the award.

On receiving the order of the honourable a High Court dated 9th May, 1980, I sent notices to the parties for 1st August, 1980, when the parties did not appear on 2nd June, 1980, as per the order of the High Court. The case was then adjourned to 1st September, 1980, on the request of the management. On this date of hearing none appeared on behalf of the management up to 1.00 p.m. but later on the management representative appeared who signed the proceeding in token of his appearance. On the next date, i.e., 7th October, 1980, no one appeared for the management when the case was taken up at 4-30 p.m. One more opportunity was granted to the management and fresh notice for 3rd November, 1980, was issued. The notice so sent was received back with the report of the postman that the firm has been closed and the notice was being returned. The workman representative wanted to file the present address of the employer and he was so directed but the workman representative failed to supply the correct address of the employer on which the management could be served with notice. The management had been given ample opportunity to prove the justification as per the order of the honourable high court and the inability of the workman to supply the present address of the employer does not in any way affect his rights as it was none of his duties when once the management had appeared and had been careless not to avail of the opportunity provided to them by the court. Under these circumstances I have no alternative left but to confirm the award of my learned predecessor dated 26th February, 1974, with a further findings that the management has not been able to prove the justification of their action even when provided with an opportunity to do so. The worker lady is, therefore, entitled to reinstatement with continuity of service and with full back wages and also to a cost of Rs 50. The reference is answered and returned accordingly.

Dated the 17th July, 1982.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endorsement No. 1751, dated the 19th July, 1982.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

BANWARI LAL DALAL,

Presiding Officer,

Labour Court, Haryana,
Rohtak.

The 17th August, 1982

No. 9(1)82-6Lab./8936.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Quick Cut Tools Pvt. Ltd., 62/2, Mathura Road, Palwal.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 166 of 1982

between

SHRI KARAM CHAND, WORKMAN AND THE MANAGEMENT OF M/S QUICK CUT
TOOLS PVT., 62/2, MATHURA ROAD, PALWAL

Present—

Shri Bhim Singh Yadav, for the workman.

Nemo, for the management.

AWARD

The State Government of Haryana referred the following dispute between the workman Shri Karam Chand and the management of M/s Quick Cut Tools Pvt. Ltd., 62/2, Mathura Road, Palwal, by order No. ID/FD/38/82/21382, dated 11th May, 1982, to this Tribunal, for adjudication, in exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of service/dismissal of Shri Karam Chand was justified and in order? If not, to what relief is he entitled?

Notices of the reference were sent to the parties. On the date fixed, the representative of the workman made a statement that the workman had settled his dispute with the management and he did not want to pursue his case.

In view of the above, I pass my award that the dispute had been settled by the parties and there was no dispute between the parties.

M. C. BHARDWAJ,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

Dated the 23rd August, 1982.

Endorsement No. 912, dated the 25th August, 1982

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

No. 9(1)82-6 Lab./8937.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Laldee Pvt. Ltd., Faridabad:

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 230 of 1982

between

THE WORKMAN AND THE MANAGEMENT OF M/S LALDEE PVT. LTD.,
FARIDABAD

Present :—

Nemo, for the workmen.

Nemo, for the management.

AWARD

The State Government of Haryana referred the following dispute between the management of M/s Laldee Pvt. Ltd., Faridabad and its workmen, by order No ID/FD/116/82/28401, dated 24th June, 1982 to this Tribunal, for adjudication in exercise of powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947:—

Whether the workmen should be issued appointment letters; If so, with what details?

Notice of the reference were sent to the parties. But on the date fixed, none was present despite service and the case was ordered to be dismissed for non-prosecution by the parties. I, therefore, dismiss the case for non-prosecution by the parties.

M. C. BHARDWAJ,

Presiding Officer;

Industrial Tribunal, Haryana,
Faridabad.

Dated the 23rd August, 1982.

Endst. No. 913, dated the 25th August, 1982.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

M. KUTAPPAN,

Commissioner and Secretary to Government, Haryana,
Labour and Employment Department.